

Resolution No. 2021-02
Resolution in Support of Rescinding 50-Foot State Highway Setback for
Lot 4, CSM #4264 (Landowner Jerry S. Johnson)

WHEREAS, on March 29, 2000, Certified Survey Map (CSM) #4264 was recorded by the Waushara County Register of Deeds; the CSM formed four lots at the intersection of Cottonville Drive and State Road 22 in the Town of Dakota; and

WHEREAS, at that time, CSMs along state highways were subject to state setback restrictions—in this case, 50 feet; and

WHEREAS, in 2005 and 2009, Wisconsin courts ruled that it was improper for the Wisconsin Department of Transportation (DOT) to impose these setbacks on CSMs, and that, upon the request of the landowner and concurrence of municipal and county governments, the DOT must rescind the setback; and

WHEREAS, on August 10, 2021, Jerry S. Johnson, owner of Lot 4 of the aforementioned CSM #4264, filed a request with the DOT to have the setback rescinded, so that he can rebuild an existing fence; and

WHEREAS, the DOT has reviewed this request and finds it to be allowable;

NOW, THEREFORE, BE IT RESOLVED that, upon the concurrence of the Town of Dakota Land Use Planning Commission, the Dakota Town Board of Supervisors approves of the rescission of the 50-foot state highway setback for Lot 4, CSM #4264, and agrees that DOT personnel should rescind the state highway setback restriction following procedures set forth in § 236.295, Wis. Stat., which includes the recording of a correction instrument in the Waushara County Register of Deeds Office; and

BE IT FURTHER RESOLVED that the recording of this correction instrument, and any and all other actions or costs associated with the setback rescission, will be the responsibility of the DOT; and

BE IT FURTHER RESOLVED that this resolution will be in effect the day after posting per s. 60.80 (1)(c), Wis. Stats.

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Ayes: 3 Nays: 0 Abstain: 0 Absent: 0 Voice Vote

Approved and adopted this 13th day of September 2021.

Denied this 13th day of September 2021.

Signed:



Bobby D. Bandt, Chair

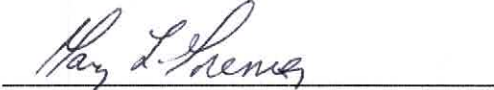
Attest:



Melanie R. Stake, Clerk



Jeremy Kubasta, Supervisor #1



Gary Grenier, Supervisor #2